THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35682 of 1997

Dated:21.03.2007

Between
P.Gopal

.....Petitioner

and

1. The Stores Officer, (Disposal & Tyres) APSRTC, Regional Workshop Complex, Karimnagar & others

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.35682 of 1997

ORDER:

This writ petition is directed against an award made in I.D.No.23 of 1994, dated 03.07.1997 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

The petitioner is the workman and 1st and 2nd respondents are the A.P. State Road Transport Corporation (for short 'Corporation). It appears that the petitioner raised a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') stating that his services were terminated orally with effect from 15.4.1996 and to declare the same as arbitrary, illegal and contrary to the provisions

of Section 25-F of the Act.

The respondent-Corporation has filed a detailed counter-affidavit denying the allegations. It denied the very appointment of the petitioner orally or by passing an order by the Senior Engineer Works of Karimnagar. It was asserted that the petitioner was never appointed either as Ex-casual cleaner or as a khalasi. The very petition is not maintainable as there was no relationship of employer and employee between it and the petitioner.

On behalf of the petitioner WW1 and 2 were examined and Ex.W1 was marked. On behalf of the respondent-Corporation MW1 was examined, but no documents were marked.

After a detailed consideration of the entire evidence on record, the Tribunal dismissed the claim petition. Aggrieved by the same, the present writ petition is filed.

There is no necessity to go into all the details. The Tribunal, on the basis of the

evidence placed before it, came to a conclusion that the petitioner has not produced any evidence to show that he had worked continuously for 240 days preceding the alleged date of termination and the evidence of WW2 and Ex.W1 cannot be believed since WW2 has nothing to do with the work purported to have been attended by the petitioner. In fact, the Tribunal recorded that the evidence placed before it was weak, feeble, unreliable and untrustworthy. The Tribunal has, in detail, discussed the evidence of all the witnesses. None of the witnesses spoke anything in favour of the petitioner nor the petitioner has placed any documentary evidence or oral evidence to show that he was employed in the respondent-Corporation between 1987-1990 and as such, no case is made out by him that he worked continuously for 240 days during the said period.

In view of the above, I am of the opinion that the Labour Court has not committed any

error calling for interference of this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed No costs.

_____

21-03-2007

rkk